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**BYLINE:** JILL ROSEN, SUN REPORTER

**BODY:**

Maryland senators reversed Gov. Robert L. Ehrlich Jr.'s veto of a bill to delay the state's planned takeover of 11 failing Baltimore schools, casting a decisive vote yesterday on the final day of the legislative session and shifting the future of thousands of schoolchildren back into the hands of city officials.

The House had already approved an override, so the Senate action means the state is prohibited from intervening in the schools' management for a year.

"I've never seen people celebrate so much over complete dysfunction," Ehrlich said last night at a news conference.

The school veto was one in a series of highly partisan votes lawmakers took yesterday, meaning the Assembly session ended as it began 90 days ago, with a Democrat-dominated push to override the governor's vetoes.

Despite sharp protests from the Republican minority, the General Assembly also overrode vetoes of two other high-profile bills. The legislation will prohibit political activity by members of the University System of Maryland's Board of Regents and specifies where voters can go to the polls a week before Election Day.

The vetoes came on a day when the attention of lawmakers was divided: They were also consumed with finding a way to ease the impact of 72 percent BGE rate increases.

Partisan tensions were high throughout the three-month session, but with a healthy economy and higher-than-expected tax revenues, the Assembly completed the only task it had to - passing a budget for the next fiscal year - with relative ease.

The legislature also adopted a stem-cell funding proposal and tougher limits on power plant pollutants, leaving time

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in its final hours to debate utility rates and city schools management - issues unforeseen when lawmakers convened in January.

The schools issue dominated much of the final day, however, and lobbying was frantic on both sides until just minutes before the vote.

Mayor Martin O'Malley stood at the top of the State House steps, approaching senators as they entered the building to make their decisions.

"Thank you for defending our kids' progress," he told Sen. Ralph M. Hughes, a Baltimore Democrat.

Then, as senators filed into the chamber, O'Malley, schools CEO Bonnie S. Copeland and other Baltimore officials took seats front and center in the balcony to watch as lawmakers, with little discussion, voted 30-17 to override Ehrlich's veto - one vote more than required to restore the moratorium.

"What the Senate has shown with this overwhelming veto show of support is that the people of Baltimore are making progress with our school system," O'Malley said, after leaning over the railing and signaling his thanks to those below.

"We are by no means satisfied by where we are," he said, "but we are glad we're not going to have the skids pulled out from under our kids."

The vote capped a turbulent two weeks that began when state schools Superintendent Nancy S. Grasmick announced her intention to assume control of four failing high schools and entrust seven middle schools to contractors by fall 2007.

Baltimore lawmakers said they smelled a political ploy. And with the Sen. Nathaniel J. McFadden at the forefront, they pushed a bill through the Assembly that would stall the state's plans for one year.

McFadden, a longtime city school administrator and a Baltimore Democrat, made a final plea early yesterday before his party's caucus.

Everyone in the Baltimore education community - from the parents to the teachers to the students themselves - knows the abysmal test scores can't continue, he told his Senate colleagues - please let Baltimore try to fix it.

"We still have work to do," he said. "This is the end of the beginning of a process."

Added Copeland: "We already know what to do, and we're delighted the override gave us the opportunity to do it."

Last month, Grasmick called for a takeover of the 11 schools, saying their persistent poor performance demanded unprecedented action - the first of its kind under the federal No Child Left Behind Act.

Grasmick said yesterday that she felt good - not about the result but that the problem was now purely Baltimore's.

"Now the pressure's off me and on them," she said.

She said the legislation threatens to "unravel" the state's 15-year-old school accountability system, which predates the federal act.

McFadden said he was confident the city's efforts would bear fruit in the course of the year.

"If we are wrong and voters find we've done something counter-productive, we will have to answer for that," he said. "I don't mind sticking my neck out for the kids."

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Further frustrating the administration, the Assembly spent the rest of the day overriding more of Ehrlich's vetoes.

First came an override of a bill allowing collective bargaining for state employees. Then another that prohibits University System of Maryland's Board of Regents from campaign fundraising - legislation aimed squarely at Ehrlich campaign finance chairman Richard E. Hug.

"He's got to make a decision to either continue to help the governor or get off the board," said Sen. Allan H. Kittleman, a Howard County Republican.

The Senate voted 29-18 for the override, the minimum number need to turn around a veto.

Next the Senate mustered 30 votes to the opposition's 17 to override Ehrlich's veto of the Voter Bill of Rights, legislation that spells out early voting polling locations - and, the opposition says, makes it easier for Democrats to vote in November.

"I would fight my own party if they tried to do this to you," an angry Kittleman shot at the other side of the aisle. Republicans said the bill was altered late in the session with no input from Democrats.

Added Sen. Andrew P. Harris, the Republican whip from Baltimore County: "This bill should be re-named the majority-party-disenfranchising-the-minority-party Bill of Rights."

Finally, lawmakers in the Senate voted to override the veto of a bill that would force Ehrlich, if he is elected to a second term, to bring his Cabinet choices through the confirmation process again.

But close to midnight, the House had yet to take up that bill - and it appeared an override would not happen.

The legislation, sponsored by Senate President Thomas V. Mike Miller, aimed to punish Transportation Secretary Robert L. Flanagan, who angered Democratic city leaders across the state by withholding money that the municipalities thought was on the way to repave roads and fix potholes.

"Not in my 16 years here have I seen this kind of attack on the powers of the executive," said Sen. J. Lowell Stoltzfus, an Eastern Shore Republican.

"It's something you wanted, it's your bill, and it has no support from anywhere else," Stoltzfus told Miller, who looked at him and shrugged.

"It's not about [Flanagan's] competency," Stoltzfus said. "It's he didn't do what we thought he should do, so we're going to get him."

As the midnight deadline neared, a bill to punish convicted sex offenders appeared unlikely to pass.

The House approved a Senate version of the bill last night, with amendments that would require certain child molesters to serve a minimum of 25 years in prison. The bill headed to a conference committee, where members of each chamber could hash out a compromise, but time ran out.

The sticking point seemed to be a provision known as "Jessica's Law," modeled on Florida legislation passed after a 9-year-old girl there was abducted and killed by a convicted sex offender.

Senate Democrats have resisted mandatory minimum sentences, while Republicans in both chambers have endorsed Jessica's Law.

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Sun reporters Kelly Brewington and Sara Neufeld and Sun photographer Jed Kirschbaum contributed to this article.

**GRAPHIC:** Photo(s)

1. Sen. Joan Carter Conway, a Baltimore City Democrat, and Sen. Donald F. Munson, a Western Maryland Republican, talk about an agriculture bill during the morning session of the General Assembly's last workday. 2. Baltimore Mayor Martin O'Malley and city schools CEO Bonnie S. Copeland watch the Senate discuss the schools takeover.

1. - 2. KIM HAIRSTON : SUN PHOTOGRAPHER

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